

**Task Force on
The Future for Growth and Development in Maryland
Stormwater Management Forum**

January 15, 2010/ 1:00 p.m. to 4:00 p.m.

The Maryland Department of the Environment

Baltimore, Maryland

Meeting Summary

Welcome

The Chair, Jon Laria, opened the meeting at 1:06 p.m., and thanked everyone for coming. Mr. Laria noted that the new stormwater requirements are obviously in the service of a clean Bay, but that the Task Force would explore whether they negatively affect Smart Growth and the containment of sprawl.

PRESENTATIONS

*Presentations can be viewed at: <http://planning.maryland.gov/YourPart/773/773Meetings.shtml#20100115>

MDE

Jay Sakai, MDE

Mr. Sakai welcomed everyone to the Forum. He discussed the connection between the Bay TMDL, pollutant targets and the new stormwater management regulations.

Ken Pensyl, MDE

Mr. Pensyl explained that there will be flexibility for case-by-case review that would take local priorities and Master Plans into account, and encourage the use of watershed-wide planning.

Maryland Homebuilders

Katie Maloney, MD Homebuilders

Ms. Maloney gave a brief introduction and introduced the panel.

Michael Powell, Gordon Feinblatt (No PowerPoint)

Mr. Powell said he has heard that planned projects will have to give up units to meet the new regulations, which builders cannot afford under the current economy. He predicted that projects will be abandoned and other development will move to greenfields.

Mark Morelock, VIKA

Mr. Morelock analyzed the impacts of the new regulations on seven previously designed projects. He presented the University of Maryland East Campus as a case study.

Elliot Powell, Whitehall Development

Mr. Powell described the Largo Metro Stop Project. Mr. Powell said meeting the new regulations would reduce the number of parking spaces, leading to a reduction in office space and residential units.

Tom Farasy, Terre Verde Communities

Mr. Farasy discussed how the regulations should be altered especially around transit stations.

Michael Greenebaum, Greenebaum and Rose Associates

Mr. Greenebaum discussed the development of the Maple Lawn project and the effect of the new stormwater management regulations. He detailed the \$3.5 million of infrastructure on site and said that future development phases should be grandfathered.

Sean Davis, Morris Richie Assoc.

Mr. Davis requested the Task Force look at grandfathering provisions and the possible removal of the 40% threshold.

Maryland Municipal League (MML)- No PowerPoints

Candace Donoho, MML

Ms. Donoho explained that the Maryland Municipal League supported the bill that was passed in 2007 but that MML has concerns about aspects of the regulations, including the 40% threshold and the grandfathering provisions. She said the regulations present difficult inspection and maintenance issues. She stated that the regulations need to be re-reviewed so that they could work in the real world.

Pete Fosselman, Kensington Mayor

Mayor Fosselman shared his concerns that these regulations would decrease tax income and impose burdens on local jurisdictions. He also suggested that the May 2010 deadline should be extended or that the grandfathering provision should be changed.

Henry Burden, Planner, Port Deposit

Mr. Burden explained that smaller towns do not have the staff to implement the stormwater management regulations. He said that, under the new regulations, the cost of the Bainbridge redevelopment could be delayed and cost 30% more.

City of Brunswick, MD

Bruce Dell, City of Brunswick

Mr. Dell recapped the Brunswick Crossing Development. He said it is an existing project, located in a priority funding area within the City of Brunswick that has been designed, approved and is being constructed utilizing environmentally sound, Smart Growth principles.

Dan Snyder, Pleasants Development

Mr. Snyder described the rebuilding and enhancement of the City's existing water and sewer infrastructure to accommodate Brunswick Crossing, the creation of a special tax district, and the issuance of bonds. He said that compliance with the new regulations would cause the loss of 15% of the housing units, making repayment of the bonds more difficult. The alternative would be to consume an additional 60 acres and increase the amount of impervious surface. He said that the new regulations are incompatible with neo-traditional design.

Scott Roser, Macris, Hendricks and Glascock

Mr. Roser explained that Brunswick Crossing should be treated as a redevelopment project, but instead it will be treated as new development with more burdensome requirements imposed. He explained that the new stormwater management regulations will undermine Smart Growth principles.

Jerry Connelly, Pleasants Development

Mr. Connelly said he has worked on Brunswick Crossing for 10 years. He explained that the loss of density associated with the new stormwater management regulations directly jeopardizes repayment of these Special Tax District Bonds and subsequently completion of the project since the bonds were based on lot yield. He asked that special consideration be given to partially constructed communities, designed and approved in accordance with Smart Growth principles and implemented through the establishment of Special Tax Districts.

Maryland Association of Counties (MACo)

Leslie Knapp, Jr., MACo

Mr. Knaap explained that the Maryland Association of Counties was the last hold out against the stormwater management bill. They were concerned about being asked to buy into regulations that had not been written; however they were assured that their concerns would be met. Those concerns focused on the impacts on redevelopment and grandfathering.

Bill Stack, Acting Chief, Surface Water Management Division, Baltimore City

Mr. Stack explained that the City supports the new stormwater management regulations because Baltimore City is steward of a regional water source. The regulations promote ESD, and bio-retention facilities have been installed within the city. He noted that the regulations were not without issues and said the State should consider incorporating more flexibility, and encourage the use of a watershed-based approach and off-sets.

Marsha McLaughlin, Director of Planning, Howard County

Ms. McLaughlin explained that Howard County is encouraging dense development in the eastern part of the county. This will be accomplished by redevelopment on land that was originally developed with no stormwater controls, such as Columbia. She stressed the need for flexibility and grandfathering. She said the county has identified many stream restoration projects that could be funded by fees-in-lieu.

Pat Keller, Director, Office of Planning, Baltimore County

Mr. Keller explained the challenges in redevelopment under the new stormwater management regulations and the need for a sliding scale for impervious cover that will lead to greater flexibility.

Tom Vidmar, Baltimore County

Mr. Vidmar expressed concern about the 40% threshold and inspection and maintenance issues associated with small, on-site stormwater features.

Vijay Kulkarni, Queen Anne's County

Mr. Kulkarni suggested that projects be allowed to use existing structural stormwater facilities and not be required to do ESD to MEP. He also suggested that all the lots in a partially built subdivision be grandfathered.

Chesapeake Bay Foundation/Natural Recourses Defense Council/ MD Stormwater Consortium

Jenn Aiosa, Chesapeake Bay Foundation

Ms. Aiosa stressed that the new stormwater management regulations are about the Bay and its water quality. A major burden for restoring the Bay will fall on local government and developers must help. Pollution from stormwater is growing while other sources are declining. Ms. Aiosa said the new regulations contain the needed flexibility for redevelopment. She cited other jurisdictions that are as strict as or stricter than Maryland.

Diane Cameron, MD Stormwater Consortium

Ms. Cameron explained that the costs of poorly managed stormwater are borne by the taxpayer. She cited three examples described in the Meloria Report that showed ESD to the MEP can be installed at lower cost than structural controls. She felt that the Maryland Department of the Environment set reasonable and achievable goals. There is more to Smart Growth than density and location; ESD can serve Smart Growth

Mr. Laria asked the Chesapeake Bay Foundation/Natural Resources Defense Council/ MD Stormwater Consortium Panelists if they thought the disagreement between them and the previous presenters was over facts (did they disagree with the facts in other presentations) or over the policy choices being made.

Ms. Aiosa responded that she could not comment on the factual accuracy of the presentations, but that she thought there were options available under the regulations that clearly had not been explored. Ms. Cameron stated that she thought the presenters had ignored the flexibility in the regulations. For example, she said, developers can avoid any loss in density by paying a fee-in-lieu. She supported such fees, but only if the off-site projects were in the same watershed and used ESD.

Town of La Plata

Daniel Mears, Town Manager

Mr. Mears noted that dense development generates more stormwater runoff per acre but less per household. He suggested that it would be logical to create a stormwater utility and administer the program on a watershed basis. He said the regulations do not work for lots smaller than an acre.

Coalition for Smarter Growth

Cheryl Cort, Coalition for Smarter Growth

Ms. Cort explained that part of the challenge is that 3 million more people will be living in watershed over the next 20 years. Ms. Cort noted there are 10 principles of smart growth and that they are compatible with the new stormwater management regulations.

Loiderman Soltesz Associates

Ken Dunn, Loiderman Soltesz Associates

Mr. Dunn explained that there are benefits to the new stormwater management regulations. He suggested, however, that the 40% threshold be changed to 30%, structural controls should be permitted as a first choice and projects should be grandfathered with stormwater management facilities already completed prior to 12/31/12.

Bio-Habitats

Ted Brown, Bio-Habitats

Mr. Brown suggested that the new regulations presented opportunities as well as challenges. The cost to the public caused by past development with poor stormwater management is very high. Green infrastructure can save money. Flexibility and adaptability are necessary.

Jennifer Dowdell, Bio-Habitats

Ms. Dowdell highlighted various ways to implement ESD.

The Michael Companies/Ben Dyer Associates

Ken Michael, The Michael Companies

Mr. Michael highlighted the development “Karington” as a case study. He noted the lengthy development approval process for the project and the effect of the new stormwater management regulations. He also suggested that there be more flexibility to allow for underground stormwater management for redevelopment projects.

Paul Woodburn, Ben Dyer Associates

Mr. Woodburn noted that grandfathering provisions should be considered. He described two projects that he said could not be developed using ESD.

National Association of Industrial and Office Properties (NAIOP)

Tom Ballentine, NAIOP

Mr. Ballentine explained that 250 square feet of office space supports one job. From NAIOP’s perspective, a loss in building space will reduce jobs. He highlighted a trucking facility project that will lose 40% of its building area so that the site can accommodate full ESD to the MEP.

Carl Gutschick, Gutschick, Little and Weber

Mr. Gutschick highlighted the effects of the stormwater management regulations on the Columbia Gateway project.

Addison Palmer STV Inc.

Mr. Palmer highlighted the Westport redevelopment project and the effects of the new stormwater management regulations. He explained that ESD will shrink the size of the building and that overall the project costs will rise.

Bill Joyce, Joyce Engineering

Mr. Joyce discussed the “Adam Square Research Park” project in College Park, next to the metro station. He explained that the new stormwater management regulations will result in building size reductions.

Closing Remarks

Mr. Laria thanked everyone for attending and for the Task Force for providing this opportunity. He noted the need to consider what changes may be appropriate and to develop a way of monitoring the effect of the regulations on Smart Growth. He summarized the main goals, in no particular order: to protect development investments, further Smart Growth principles and protect the Chesapeake Bay.

He invited supplemental submissions through January 22, 2010.

The meeting adjourned at 4:46p.m.